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| THE STATE OF TEXAS | § . | IN THE COUNTY C | RIMINAL COURT |
| VS. | § . | | OF |
| Escamilla, Elieza | | DALLAS COUNTY, | TEXAS |

WAIVER OF JURY

Comes now the Defendant with the consent and approval of Defendant's attorney, if any, and does in person, in writing and in open court, waive the right to trial by jury and request the Judge to consent to and approve this waiver.

Attorney for Defendant

Defendant

Defendant

Defendant

Comes now the undersigned attorney for the State and consents to and approves the Defendant's waiver of jury.

TRUE AND CORRECT
TRUE AND CORRECT
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OCCUS OF ORIGINAL
FILED IN DALLAS
COUNTY CLERK'S OFFICE

Assistant District Attorney Dallas County, Texas

Bar Card Number

Comes now the Judge and hereby consents to and approves the Defendant's waiver of jury in this cause.

Signed and entered this ____

day of

199-200S

Judge, County Criminal Court 1 C

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ORDER OF RECEIVING

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THE STATE OF TEXAS, COUNTY OF DALLAS

AT A TERM OF THE 283RD JUDICIAL DISTRICT COURT BEGUN AND HOLDEN WITHIN AND FOR THE COUNTY OF DALLAS, TEXAS. ON THE 30TH DAY OF FJROBERT A. D. O. THE HONORABLE VIC CUNNINGHAM JUDGE THEREOF PRESIDING, THE FOLLOWING PROCEEDINGS WERE HAD TO-WIT IN THE CAUSE OF CAUSE NO. F-0454866-T

PRESENTMENT OF INDICTMENT

ON THIS THE 10TH DAY OF SEPTEMBER 2004. THERE WAS DELIVERED AND PRESENTED TO THE CLERK OF THIS COURT THE FOLLOWING INDICTMENT, TO-WIT:

THE STATE OF TEXAS

CAUSE NO. F-0454866-T

VS

ESCAMILLA ELIEZAR WHICH WAS THEREUPON ORDERED BY THE COURT TO BE FILED.

ORDER OF TRANSFER

THE STATE OF TEXAS

CAUSE NO. F-0454866-T

VS

ESCAMILIA ELIEZAR

10TH DAY OF SEPTEMBER 2004. IT APPEARING TO THE COURT FROM AN INSPECTION OF THE INDICTMENT THAT THIS CASE IS A MISDEMEANOR. AND THAT THE COUNTY CRIMINAL COURT 10 OF DALLAS COUNTY, TEXAS HAD JURISDICTION OF THE SAME. IT IS ORDERED BY THE COURT. THAT THE ABOVE ENTITLED AND NUMBERED CAUSE BE AND THE SAME IS HEREBY TRANSFERRED TO THE COUNTY CRIMINAL COURT 10 OF DALLAS COUNTY. TEXAS, FOR TRIAL AND FINAL ADJUDICATION. TRUE AND CORRECT

COUNTY CLERK'S OFFICE

COPY OF ORIGINAL FILED IN DALLAS

JUDGE

I. JIM HAMLIN, CLERK OF THE DISTRICT COURT'S OF DALLAS, COUNTY, TEXAS, DO CERTIFY THAT THE FOREGOING CONTAINS A TRUE COPY OF ALL OF THE PRO-CEEDINGS TAKEN IN THE SAID 283RD JUDICIAL DISTRICT COURT, IN THE CASE OF THE STATE OF TEXAS VS. ESCAMILLA ELIEZAR CAUSE NO. F-0454866-T.

WITNESS MY HAND AND THE SEAL OF SAID COURT ON THIS THE JIM HAMLIN, CLERK, OF THE DISTRICT COURT'S, DALLAS COUNTY, TEXAS.

DEPUTY.

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| EFENDANT | Escamilla, Eliezar | W M 050619 | 73 CHARGE ASSAU | LT/MISD |
| AKA: | | | | |
| DDRESS | 623 S Cockrell Hill Rd, Dalla | as, Tx | LOCATION DSO | · · · · · · · · · · · · · · · · · · · |
| ILING AGEN | CY TXDPD0000 DATE F | ILED August 13, 2004 | COURT | О лос283 |
| COMPLAINA | NT Escamilla, Valerie | | F-0454866 | VT#: |
| :/C | | | Mt | 404055 |
| | ME AND BY THE AUTH | | | |
| | 283rd Judicial District | Court | , Dallas County, in sa | aid Court at said |
| Term, do pres | sent that one | ESCAMILLA, | ELIEZAR | , Defendant, |
| On or about t | he 8th day of Augu | ist A.D., 2004 i | n the County of Dallas | and said State, did |
| | | | | |

then and there intentionally and knowingly and recklessly cause bodily injury to another, namely: VALERIE ESCAMILLA, hereinafter called complainant, by striking complainant with defendant's hand,



| against | the | peace | and | dignity | of | the | State |
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Bill Hill

Criminal District Attorney of Dallas County, Texas

Foreman of the Grand Jury.

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| DEFENDANT | Escamilla, Elie | zar | W M | 05061973 | CHARGE AS | SAULT/MISI |) |
| AKA: | | | | | | | |
| ADDRESS | 623 S Cockrel | Hill Rd, Dallas, T | x | _ | LOCATION [| SO # CO | |
| FILING AGEN | CY TXDPD0 | 000 DATE FILEI | August 1 | 3, 2004 | cot | _{лкт} <i>#10</i> јј | DC283 |
| COMPLAINA | NT Escamilla, | Valerie | | | F-0454866 | VT#: | |
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| | <i>i</i> , | TRUJ | E BILL IN | DICTMEN | T | | |
| IN THE NA | ME AND BY | THE AUTHORI | TY OF T | HE STA | TE OF TEXA | S: The Grai | nd Jury of |
| Dallas Coun | ty, State of Te | xas, duly organize | d at the _ | July | Term, | A.D., | 4 of the |
| **** | 283rd J | ndicial District Cou | ırt | , | Dallas County | , in said Cour | t at said |
| Term, do pre | esent that one | | ESCAM | IILLA, E | LIEZAR | | , Defendant, |
| On or about | the 8th | day of August A | A.D., 2004 | in t | he County of D | allas and said | State, did |
| | | and knowingly and ereinafter called co | | | | | |

against the peace and dignity of the State.

Bill Hill

Criminal District Attorney of Dallas County, Texas

ORDER OF RECEIVING

ON THIS THE 10TH DAY OF SEPTEMBER A.D. 2004. IT IS THE ORDER OF THE JUDGE OF THE COUNTY CRIMINAL COURT 10 OF DALLAS COUNTY, TEXAS, THAT THE BELOW STYLED AND NUMBERED CAUSES BE AND ARE HEREBY RECEIVED FROM THE JUDGE OF THE 283RD JUDICIAL DISTRICT COURT, OF DALLAS COUNTY, TEXAS, FOR TRIAL AND FINAL ADJUDICATION. TO WIT:

THE STATE OF TEXAS

VS

F-0454866-T TO M-0405559-L ESCAMILLA ELIEZAR

ASSAULT

REPORT 007574 ADDED TO THE MS00 FILE ON 09/20/04 AT 11:



CAUSE NO. M-0458029-L

13

THE STATE OF TEXAS

THE THE

VS.

COUNTY CRIMINAL COURT 10

ELIEZAR ESCAMILLA

DALLAS COUNTY, TEXAS

JUDGMENT ON PLEA OF NOT GUILTY TO THE JUDGE

JUDGE PRESIDING LISA FOX

DATE OF JUDGMENT 01/05/2005

ATTORNEY

FOR STATE JAY BENDER

ATTORNEY
FOR DEFENDANT JAMES MILLAN

OFFENSE ALLEGED ASSAULT DV

CLASS A

MISDEMEANOR

DATE OFFENSE ALLEGED COMMITTED 08/08/04

CHARGING INSTRUMENT INFORMATION

PLEA NOT GUILTY

FINDING OF THE COURT NOT GUILTY

ON THIS DAY, SET FORTH ABOVE, THE ABOVE STYLED AND NUMBERED CAUSE WAS CALLED FOR TRIAL. THE STATE OF TEXAS AND DEFENDANT APPEARED BY AND THROUGH THE ABOVE NAMED ATTORNEYS AND ANNOUNCED READY FOR TRIAL. DEFENDANT APPEARED IN PERSON IN OPEN COURT. WHERE DEFENDANT WAS NOT REPRESENTED BY COUNSEL, DEFENDANT KNOWINGLY, INTELLIBENTLY, AND VOLUNTARILY WAIVED THE RIGHT TO REPRESENTATION BY COUNSEL.

HAVING BEEN ADMONISHED OF THE RIGHT TO A JURY TRIAL, THE DEFENDANT WAIVED THE RIGHT TO A JURY TRIAL IN WRITING AND IN OPEN COURT WITH THE CONSENT AND APPROVAL OF THE JUDGE, THE DEFENDANT'S ATTORNEY, IF ANY, AND THE PROSECUTING ATTORNEY NAMED ABOVE. THE CONSENT AND APPROVAL OF THE WAIVER OF JURY TRIAL WAS ENTERED OF RECORD IN THE MINUTES OF THE COURT BEFORE THE DEFENDANT ENTERED THIS

EVIDENCE WAS PRESENTED TO THE JUDGE AND HAVING HEARD THE EVIDENCE, THE JUDGE FINDS THAT THE EVIDENCE IS INSUFFICIENT TO SUPPORT THE ALLEGATIONS. THE JUDGE FINDS THE DEFENDANT NOT GUILTY.

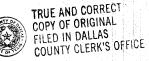
IT IS, THEREFORE, ORDERED AND DECREED BY THE JUDGE THAT SAID DEFENDANT BE ADJUDGED NOT GUILTY OF THE OFFENSE AS SHOWN ABOVE. THE JUDGE ORDERS THAT THE DEFENDANT BE AT ONCE DISCHARGED FROM ALL FURTHER LIABILITY UPON THE CHARGE FOR WHICH DEFENDANT WAS TRIED.

SIGNED AND ENTERED THIS _05TH_ DAY OF

JANUARY_,2005

DOE, COUNTY CRIMINAL COURT 10

DALLAS COUNTY, TEXAS



| Case 3:06-cv-02248-O -BI | H ocument 2 | 27-10 File 870 | d 05/ 65 /08 | Page 11 | of 20 PageID |
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| | Attorney for Def | fendant 669 r | | Defendant | | |
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| | : . : | CORRECT ORIGINAL DALLAS CLERK'S OFFICE | er of jury. | Assistant District A Dallas County, Texa | ttorney | |
| | Comes no waiver of jury in | w the Judge ar this cause. | nd hereby con | sents to and approv | es the Defendant's | |
| | Signed and enter | red this U d | ay of | in O | ,499 <u>20</u> 05 | |
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| | | | | Judge, County Crimi Dallas, Texas | nai Court <u>) ()</u> | |



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| WARRANT NUMBER ESCAMILLA ELIEZAR IN THE NAME OF THE STANDAY TEXAS HADGASSO29 IN THE NAME OF THE STANDAY TEXAS TO ANY SHERIFF OR OTHER PEACE OFFICER OF THE STATE OF TEXAS —— GREETINGS: YOU ARE HEREBY COMMANDED TO TAKE THE BODY OF: ESCAMILLA ELIEZAR IN THE NAME OF THE STANDAY TEXAS TO ANY SHERIFF OR OTHER PEACE OFFICER OF THE STATE OF TEXAS —— GREETINGS: YOU ARE HEREBY COMMANDED TO TAKE THE BODY OF: ESCAMILLA ELIEZAR. HEREINAFTER CALLED THE ACCUSED, AND HIM SAFELY KEEP SO THAT HE MAY BE DEALT WITH ACCORDING TO LAW, AND TO HOLD THE ACCUSED TO ANSWER TO THE STATE OF TEXAS FOR AN OFFENSE AGAINST THE LAWS OF THE SAID STATE, NAMELY ASSAULT/FV MA 22.01 GOOGIGAN OF WHICH MISDEMANDR OFFENSE HE IS ACCUSED BY WRITTEN COMPLAINT, HADE UNDER DATH THAT HAS BEEN PRESENTED TO ME AND THAT IS BY THIS REFERENCE INCORPORATED HEREIN FOR ALL PURPOSES. WITNESS MY SIGNATURE THIS OS DAY OF AUGUST 2004 MAGISTRATE ADMINISTRATIVE DATA STATE OF TEXAS VS: ESCAMILLA, ELIEZAR, ARREST STATUS: RACE: L SEX: M DOB: 05/06/73 HT: 508 WT: 175 MAIR COLOR: BLACK EYEC COLOR: RROWN RESIDENCE ADDRESS: 000623 S: COCKRELLHILLED ZITY: DALLAS STATE: TX ZIP CODE: 75211 SUSINESS ADDIVAME: COMPLAINANT: ESCAMILLA, JULIE DATE OF OFFENSE: 08/08/04 PRIVERS HARRANT ISSUED TO: DED/DSD APPROVE BOND APP | DALLAS POLICE DEPARTMENT WARRANT NUMBER BECAMILLA ELIEZAR ASSAULT DV IN THE NAME OF THE STRING UP TEXAS TO ANY SHERIFF OR OTHER PEACE OFFICER PERCAMILLA ELIEZAR ASSAULT DV IN THE NAME OF THE STRING UP TEXAS TO ANY SHERIFF OR OTHER PEACE OFFICER STATE OF TEXAS GREETINGS: YOU ARE HEREBY COMMANDED TO TAKE THE BODY OF: ESCAMILLA ELIEZAR. SECANTILLA ELIEZAR. RESET** 04-004 SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. RESET** 04-004 SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. RESET** 04-004 SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. RESET** 04-004 SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. RESET** 04-004 SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. RESET** 04-004 SECANTILLA ELIEZAR. SECANTILLA ELIEZAR. RES | The control of the co | COUNTY CLERIE |
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| No. STAME OF TEXAS VS. STAME OF TEXAS One of the control of the | <u>O SOLO</u> § IN THE COUNTY CRIMINA § COURT NO. 16 JF § DAILLAS COUNTY TEXAS | |
| TO THE HONORABLE JUDGE OF S NOW COMES THE STATE O District attories BILL HILL, in the si | NCE RECOMMENDATION ALD COURT: FIEXAS, by and incogh Dallas County Crimina | |
| punishment conditioned on the detention other than those histed below. This is n | 20 <u>C</u> nakes this recommendation of in deving at season or pending at season at the devine at season at the devine at season at the devine at t | |
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v: 10 Show hi 8388

| SERVICE NO. | 605818N | ARREST NO. | 04036549 | I. D. NO. <u>0727783</u> |
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| C/C | | | | |
| COMPLAINA | NT Escamilla, Jesse | | | MA0458029 L VT#: |
| FILING AGEN | CY TXDPD0000 | DATE FILED A | August 12, 2 | 004 COURT D |
| Address | 623 S Cockrell Hil | 1.Rd, Dallas, Tx | | LOCATION DSO |
| AKA: | | | | |
| DEFENDANT | Escamilla, Eliezar | W | M 05061 | 973 CHARGE ASSAULT DV |
| WII | | | | |

INFORMATION

In the Name and by the Authority of the State of Texas.

NOW COMES THE CRIMINAL DISTRICT ATTORNEY of Dallas County, State of Texas, and presents in and to the County Criminal Court ______ of Dallas County, State aforesaid, that one ______ Escamilla, Eliezar _____

hereinafter styled Defendant, heretofore, on or about the 8 th day of August A.D., 2004

in the County of Dallas and State of Texas, did unlawfully

then and there intentionally and knowingly and recklessly cause bodily injury to another, namely: JESSE ESCAMILLA, hereinafter called complainant, by striking complainant's head with defendant's hand,

and further, at the time of the offense, the complainant was a member of the defendant's family and household,



against the peace and dignity of the state.

SOUNTY CLERK
DALLAS COUNTY

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Criminal District Attorney of Dallas County, Texas

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| SERVICE NO. | 605818N | ARREST NO. <u>0403</u> | 86549 | I. D. NO. <u>0727783</u> |
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| C/C | | | | |
| COMPLAINA | T Escamilla, Jesse | • | *** | MA0458029 VT#: |
| FILING AGE | NC TXDPD0000 | DATE FILED Augu | st 12, 2004 | court |
| DDRESS | 623 S Cockrell Hill | Rd, Dallas, Tx | | LOCATION DSO |
| AKA: | | | | |
| DEFENDANT | Escamilla, Eliezar | W M | 05061973 | CHARGE ASSAULT DV |
| | | | | |

AFFIDAVIT

In the Name and by the Authority of the State of Texas.

PERSONALLY APPEARED before me the undersigned authority this affiant, who after being by me

duly sworn, deposes and says your Affiant has good reason to believe and does believe that one

Escamilla, Eliezar

hereinafter styled Defendant, heretofore, on or about the

8th day of August A.D., 2004

in the County of Dallas and State of Texas, did unlawfully

then and there intentionally and knowingly and recklessly cause bodily injury to another, namely: JESSE ESCAMILLA, hereinafter called complainant, by striking complainant's head with defendant's hand,

and further, at the time of the offense, the complainant was a member of the defendant's family and household,

> TRUE AND CORRECT COPY OF ORIGINAL

Against the peace and dignity of the state.

Sworn to and subscribed before me this the 13th day of AUG A.D., 20 04

wiw allergha

Assistant Criminal District Attorney of Dallas County, Texas

Affmin 53/L

CAUSE_NO. M-0458032-1

THE STATE OF TEXAS

IN THE

VSI.

(1)

COUNTY CRIMINAL COURT 10

ELIEZAR ESCAMILLA

DALLAS COUNTY, TEXAS

JUDGMENT ON PLEA OF NOT GUILTY TO THE JUDGE

JUDGE FRESIDING LISA FOX

DATE OF JUDGMENT 01/05/2005

ATTORNEY

FOR STATE JAY BENDER

ATTORNEY

FOR DEFENDANT JAMES MILLAN

OFFENSE ALLEGED ASSAULT DV

CLASS A

MISDEMEANOR

DATE OFFENSE ALLEGED COMMITTED 08/08/04

CHARGING INSTRUMENT INFORMATION

PLEA NOT GUILTY

FINDING OF THE COURT NOT GUILTY

ON THIS DAY, SET FORTH ABOVE, THE ABOVE STYLED AND NUMBERED CAUSE WAS CALLED FOR TRIAL. THE STATE OF TEXAS AND DEFENDANT APPEARED BY AND THROUGH THE ABOVE NAMED ATTORNEYS AND ANNOUNCED READY FOR TRIAL. DEFENDANT APPEARED IN PERSON IN OPEN COURT. WHERE DEFENDANT WAS NOT REPRESENTED BY COUNSEL, DEFENDANT KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY WAIVED THE RIGHT TO REPRESENTATION BY

HAVING BEEN ADMONISHED OF THE RIGHT TO A JURY TRIAL, THE DEFENDANT WAIVED THE RIGHT TO A JURY TRIAL IN WRITING AND IN OPEN COURT WITH THE CONSENT AND APPROVAL OF THE JUDGE, THE DEFENDANT'S ATTORNEY, IF ANY, AND THE PROSECUTING ATTORNEY NAMED ABOVE. THE CONSENT AND APPROVAL OF THE WAIVER OF JURY TRIAL WAS ENTERED OF RECORD IN THE MINUTES OF THE COURT BEFORE THE DEFENDANT ENTERED THIS PLEA.

EVIDENCE WAS PRESENTED TO THE JUDGE AND HAVING HEARD THE EVIDENCE, THE JUDGE FINDS THAT THE EVIDENCE IS INSUFFICIENT TO SUPPORT THE ALLEGATIONS. HE JUDGE FINDS THE DEFENDANT NOT GUILTY.

IT IS, THEREFORE, ORDERED AND DECREED BY THE JUDGE THAT SAID DEFENDANT BE ADJUDGED NOT GUILTY OF THE OFFENSE AS BHOWN ABOVE. THE JUDGE ORDERS THAT THE DEFENDANT BE AT ONCE DISCHARGED FROM ALL FURTHER LIABILITY UPON THE CHARGE FOR WHICH DEFENDANT WAS TRIED.

SIGNED AND ENTERED THIS _OSTH_ DAY OF

✓JANUARY_,2005

UDGE, COUNTY CRIMINAL COURT 10

DALLAS COUNTY, TEXAS

TRUE AND CORRECT COPY OF ORIGINAL FILED IN DALLAS COUNTY CLERK'S OFFICE

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